

- > Testimony of M. Susan Good Geise
- > For the Montana Hearing Society
- > Montana House of Representatives
- > Human Services Committee
- > March 16, 2011
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- > SB 132 should be tabled for the following reasons: >
- > 1) SB 132 threatens Montana's hearing impaired population by diluting
- > consumer safety and protections in place under current law and licensure.
- > 2) Montana hearing aid dispensers would be burdened with a huge fee
- > increase, from \$450 to over \$800 annually.
- > 3) Montana state statutes and rules would be either redundant or
- > conflicting.
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- > Audiologists are understandably unhappy with having to pay \$650 dollars
- for
- > their professional licenses as hearing aid dispensers. So are the hearing
- > aid dispensers that I represent here today. Imagine coughing up \$650
- > dollars to pay for the "privilege" of being regulated.
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- > The \$650 fee was a 'one time only' assessment to make up for a shortfall
- in
- > the Hearing Aid Dispenser Board's budget. Whose fault that was is an
- > important discussion that needs to be heard in another setting. But
- > regardless of who was to blame, anyone licensed to dispense hearing aids
- > was socked with the bill.
- >
- > This year, the Montana Hearing Aid Dispenser Board licenses are \$450.
- > Audiologists who dispense hearing aids and hearing aid dispensers alike
- are
- > slated to get a tiny bit of relief, but still are looking at a hefty sum.
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- > Montana Hearing Aid Dispensers are the very picture of Montana's small
- > business owner. For them, coming up with this license fee is likely more
- > difficult than for many of the audiologists who are likely to be
- > affiliated with some other, larger entity who may well bear at least some
- > of the cost of their licensure. According to the Department of Labor
- > website, audiologists often are employees of hospitals, schools, large
- > clinics, nursing homes and universities. (Montana Workforce Informer)
- >
- > Hearing aid dispensers, because they work with the actual hearing device
- > and its intricacies and specific peculiarities, are rightly governed by
- > their own board. Their work is 'where the rubber meets the road',
- > meticulously finding just the right device to help a particular patient,
- > oftentimes tweaking them for the best possible result.

- > Dispensers who are not audiologists are subjected to stringent training
- > requirements. Experienced dispensers know that this training, while
- > expensive and time consuming- 1000 supervised hours- patient safety and
- > satisfaction is worth it. As an acknowledgement of the advanced education
- > of the audiologists, the Hearing Aid Dispenser Board appropriately waived
- > the training requirement for those particular dispensing audiologists.
- >
- > But audiologists still have to take the exams required of anyone who
- > dispenses hearing aids. That wasn't just a good idea, or the result of
- > rulemaking, it is the law. SB 132 would change that. Audiologists, not
- > content with the training requirement being waived, now seek to be exempt
- > from the exams themselves.
- >
- > They would like to only answer the Board of Speech Pathologists and
- > Audiologists where they comprise fewer than 20% of the total licensees.
- > This board is not in the business of regulating the dispensing of hearing
- > aids. They have no experience in this area and only a fraction of the
- > Speech Pathologists and Audiologists Board are audiologists. Only newly
- > minted PhD audiologists or recent Masters Degree level audiologists are
- > sure to have had the up- to- date hands- on experience in the actual
- > dispensing of hearing aids. Veteran audiologists may well not. But under
- > SB 132 they will be licensed to dispense hearing instruments.
- >
- > Since not all licensed audiologists actually dispense hearing aids, there
- > is no guarantee at all that anyone on the current or perhaps future board
- > has ever dispensed a single hearing aid. But they will be able to enforce
- > their regulations just the same.
- >
- > Anyone dispensing hearing aids today will surely tell you that the
- > complexity and sophistication of these hearing instruments changes at
- > lightning speed. Licensed hearing aid dispensers have to acquire a
- > specified number of continuing education hours IN HEARING AID DISPENSING.
- >
- > Under SB 132, dispensing audiologists will most likely also have to
- acquire continuing education hours, BUT NOT NECESSARILY IN HEARING AID DISPENSING.
- > Where is the protection for the hearing aid patient?
- >
- > Please direct your attention to the fiscal note, page 2, point 7. If
- > audiologists are permitted to exit the licensing pool of hearing aid
- > dispensers, those dispensers left in the pool will number 58 licensees.
- > Their newly calculated licensing fee will be the average expense of the
- > Board -\$46,325, divided by the number of remaining 58 dispensers; \$798.71.
- >
- > Most likely the real fee would be at best, \$800 but more likely will
- settle at \$900. More on that later in my testimony.

> Putting the argument of the financial burden aside for now, please take a
> close look at SB 132.

> Page 1; line 28 and 29 are a clear expansion in the scope of practice for
> audiologists. In my more than 20 years experience, I have never seen a
> scope of practice bill attract so little scrutiny as this bill did in the
> senate. I believe that the committee was focused on the bill that followed
> the hearing on SB 132 (a nullification of the controversial federal health
> care law). The only question from the committee was to clarify that the
> complaint period was consistent for audiologists as well as other hearing
> aid dispensers. An amendment to the bill reflects that.

> SB 132 page 4, Section 5 lines 25-27: eliminates the requirement that
> hearing aid dispensing audiologists pass competency examinations. Those
> examinations are so essential that they were written into the law, not
left to some rule making process whose authors may or may not have ever fitted
a single hearing aid. Of the two audiologists who are to serve on the
current Board of Speech Pathologists and Audiologists, nowhere in either rule or
> statute is the provision that they have experience as dispensers.

> SB 132 Page 3, section 2 (5), lines 4-12, particularly lines 4-7 allow for
> an out of state PERSON to practice in the state for no more than 5 days
"if the services are performed in cooperation with a speech-language
> pathologist OR audiologist licensed under this chapter." Is this PERSON an
> audiologist? Is he licensed? According to SB 132, he merely has to be
> working "in cooperation" with an audiologist OR a speech pathologist.

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> "Cooperation" can mean almost anything but it is a far, far cry from
> supervision or any sort of accountability.

>
> MCA 37-16-301 requires that hearing aid dispensers must have a permanent
> business here in Montana to protect Montana's hearing aid patients from
fly by night, short term, here today, gone tomorrow dispensers. If SB 132
> passes, that law would no longer apply to audiologists who would be
> governed under 37-15-103.

> SB 132, Page 3, section 2 (5); lines 7-12 allow for a temporary 30 day
> license for audiologists (not persons as allowed in the earlier part of
> this section), but the audiologist must be licensed in another state.
> Again there is no accountability for these practitioners: they are
> operating only with the "Cooperation" of a Montana licensed audiologist.
> Cooperation can mean many things to different people. There is no patient
> protection here.

> Please look at Page 4, lines 19-24 37-16-103 Section 5 (3), newly
> numbered (5), line 30; page 5, lines 11-16, Section 5, newly numbered (9)

> and (10). These protections are established in LAW for hearing aid
> dispensers. CONTRAST these requirements for trainees with that the loose
> language of SB 132, particularly 37-15-103. This demonstrates the clear
> and obvious intention of the legislature that Montanans should be able to
> trust that they are being treated by a reputable licensee. A dispenser who
> sponsors a trainee is "directly responsible and accountable under the
> disciplinary authority of the board for the conduct of the trainee as if
> the conduct were the licensee's own." Direct supervision means the direct
> and regular observation and instruction of a trainee by a licensed hearing
> aid dispenser who is available at the same location form prompt
> consultation and treatment."

> SB 132 Section 2 8(B), page 3, lines 20 and 21 allows that the board MAY
> adopt rules regarding dispensing: leaving us with the question
> "What will those rules be? Will they be the same as the hearing aid
> dispenser rules?" If so, they are redundant. If not they will guarantee
> an unequal standard of care for the hearing impaired.

>
> NOWHERE in the fiscal note is the expense for the writing of the new rules
> for the Speech Pathologist and Audiologist Board as contemplated by SB
132.

> The process takes many months to complete, even if the rules are
> straightforward and that most assuredly won't be the case with this issue.
> There are hundreds of man-hours involved from board members, staff,
hearing
> officers, and court reporters. Make no mistake, rule writing is tedious,
> messy and really expensive. I have participated in writing similar rules
> and I am here to tell you that the process is a quagmire.

> For these reasons:

- > 1) SB 132 threatens Montana's hearing impaired population by diluting
> consumer safety and protections in place under current law and licensure.
- > 2) Montana hearing aid dispensers would be burdened with a huge fee
> increase, from \$450 to over \$800 annually.
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The Montana Hearing Society requests that the committee table SB 132.